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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,973	02/25/2004	Toshiaki Igarashi	03500.100142	8991
5514 7590 02/08/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER NGUYEN, CINDY	
			ART UNIT 2161	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)
	10/784,973	IGARASHI, TOSHIAKI
	Examiner	Art Unit
	Cindy Nguyen	2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 12/04/07.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-13 is/are pending in the application.

4a) Of the above claim(s) ____ is/are withdrawn from consideration.

5) Claim(s) ____ is/are allowed.

6) Claim(s) 1-13 is/are rejected.

7) Claim(s) ____ is/are objected to.

8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 25 February 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. ____.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.

5) Notice of Informal Patent Application

6) Other: ____.

This is respond to amendment filed 12/04/06.

Response to Arguments

The objection to the disclosure has been withdrawn.

The rejection under section 112, second paragraph has been withdrawn.

Applicant argued that nothing in Metz that would teach or suggest a least "comparing means for comparing the list acquired by said acquiring means with the list formed by said second list forming means" or "data forming means for forming data based on the list formed by said second list forming means, and specifying the network devices not included in the list acquired by said acquiring means, such specification being used to display the list on which the specified network devices are emphasized.

In respond, Metz teaches a network management device that periodically performs printer discovery and updates the main device list. User can create secondary lists by using some criterion to filters ([0024]). The filter queries (i.e., requests) the main device list (requests can be initiated by the user or periodically) ([0031]; [0032]). The user can specify in the criterion that "give me a list of all LJ9000 printers" in the query request of the filter. The system will return a list of LJ9000 from the network and show on the screen (the list must be stored somewhere e.g., memory to be shown on the screen). If at a later time the user sends the same query request and a new printer of type LJ9000(i) has been added to the network in between the request times, the returned list will have a new printer, and the screen page would bolder (i.e., emphasize) the new printer (i.e., LJ900(i)) ([0040]) on the list. Therefor it is very clear that a comparison has occurred between the old list and the new list. Another user with the

same query at a different time would see different printers emphasized. Finally Metz and the instant application are not only doing the same thing, but also resolving the same issue.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by James Michael Metz, US Patent Publication No. 2004/0019671 and hereinafter referred to as Metz.

As to claims 1,2,6,9, 12 and 13, Metz teaches a network device (Fig. 4A; [0004]) managing apparatus comprising: first receiving means for receiving a request and identification information from a data processing apparatus (Fig. 4A; [0004]);

first list forming means for forming a list of the network devices according to the request received by said first receiving means ([0005]);

holding means for holding the identification information received by said receiving means and the list formed by said list forming means in association with each other ([0018]);

second receiving means for receiving a request and the identification information from said data processing apparatus, after the list formed by said first list forming means was held by said holding means(0024);

Second list forming means for forming a list of the network devices according to the request received by said second receiving means(0025);

Acquiring means for acquiring, from the lists held by said holding means, the list formed by said first list forming means associated with the identification information received by said second receiving means(0024,0025);

Comparing means for comparing the list acquired by said acquiring means with the list formed by said second list forming means (0025);

data forming means for forming data based on the list formed by said second list forming means, and specifying the network devices not included in the list acquired by said acquiring means, such specification being used to display the list on which the specified network devices are emphasized (0040); and

data transmitting means for transmitting the data formed by said data forming means to said data processing apparatus (i.e., displayed in the users' or administrators' computer screen) (Fig. 6).

As to claims 3 and 10, Metz teaches wherein said list indicates at least one of information regarding whether printing is possible or not and an error state ([0021]).

As to claims 4,7 and 11, Metz teaches wherein the data formed by said data forming means includes an emphasis mark to emphasize ([0040]).

As to claims 5 and 8, Metz teaches wherein the data formed by said data forming means includes instruction data for allowing a device icon of the data processing apparatus to be displayed in an updated state (Fig. 5).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 571-272-4025. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu A. Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

N
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